



Land Use and Zoning Meeting Minutes

September 24, 2015

STAFF:	Monica Jordan
DATE:	September 25, 2015

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 PM.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Falcone, Kenyon, Klco, Morse, Terriaco, Welch and Valentic and Ms. Malec. Staff: Monica Jordan.

Staff stated that there are four text amendments.

Concord Township – Text Amendment #1: Revising Section 15, Repealing Sections 17, 18, 19, 20, and 21; Text Amendment #2: Amending Section 5, revising, adding, and deleting definitions; Text Amendment #3: Revising Section 16, Planned Unit Development and Residential Conservation District; Text Amendment #4: Revising the Index, Sections 6, 11, 14, 22, 31, 34, and 38

Staff stated that the majority of the Amendments to be reviewed involved reorganization and housekeeping, and that each Amendment was to be reviewed individually, including an overview of each amendment, staff comments, and staff recommendations.

Amendment #1

Staff explained that Section 15 is being revised to consolidate the regulations of the R-1, R-3, R-4, R-6, and R-8 Districts, and that this amendment also involves the revision of purpose statements for Districts and the reorganization of uses and development standards in tables.

Staff stated that the 2015 Concord Township Comprehensive Plan recommends the reorganization of residential districts in the Zoning Resolution.

Staff reviewed the following comments:

- Each one of the commercial and residential zones has a special name, but R-1, R-3, R-4 and R-6 are all being called Residential and R-8 is being called Rural Residential.
- R-3, Residential is different from R-1, R-4, R-6 and R-8. Purpose statement states that it allows multi-family, while the other districts are single-family districts. The name "R-3, Residential" does not reflect this point.
- Concord Township should consult with the Fair Housing Resource Center to ensure that the text amendments are in compliance with the Fair Housing Laws in regard to Adult Group Home.

- The new regulations allow for single-family detached cluster units and multi-family buildings (three units to eight units) in R-3, but it does not allow duplexes. Duplexes are a common housing type in cluster developments.
- R-6 and R-8 only allow two uses, including single-family homes and adult family homes.
- The new regulations allow for detached garages, gazebos and pavilions as accessory structures, but it does not allow carports in R-6 and R-8.
- There is a statement that decks attached to a building would be considered part of the building, but there is no statement on if it would be considered part of the square footage of the dwelling unit.
- There is a setback for driveways, but not for uncovered patios and other paved surfaces in Section 15.03.
- In R-8, the main structure has a 10-foot side setback, but the accessory structure has a 15-foot side setback and 10-foot rear line setback.
- There is no minimum distance between accessory structures and principal structure and no minimum distance between accessory structure and other accessory structures. Some communities will have minimum distance between structures.
- Is R-8 a PUD District? It has some characteristics of a PUD, including a minimum open space requirement.
- Is a garage part of the square footage of the house?

Recommend approval with the following modifications:

- Recommend giving each district a distinct name. R-1 could be Suburban Residential, R-3, could be Non-Traditional Residential, R-4 could be Large Lot Residential, R-6 could be Estate Residential.
- Recommend that Concord Township consult with the Fair Housing Resource Center to ensure that these regulations are in compliance with the Fair Housing Laws in regards to Adult Group Home.
- Allow duplexes into R-3.
- Allow carports into R-6 and R-8.
- Add a three-foot setback for uncovered patios and paved surfaces to 15.03 H to be consistent with the three-foot setback requirement of driveways.
- Reduce the sideline setback for accessory structures in R-8 to 10 feet to be consistent with setbacks for principal structure and rearline setback for accessory structure.
- Add a note "d" to 15.05 that states attached garages and decks are not part of the square footage of the units.
- Consider having a minimum building separation between accessory structures and principal structures or other accessory structures.
- Changes to grammar and punctuation, as indicated by track changes on the document.

Mr. Morse asked what types of grammatical and punctuation changes were to be made and Ms. Jordan explained that commas and other punctuation were inserted throughout the document, as necessary.

Mr. Klco made the motion to recommend the text amendment with staff's modifications.
Mr. Welch seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".
Motion passed.

Amendment #2

Staff explained that Section 5 is being revised, including the deletion and addition of definitions.

Staff listed the definitions to be deleted, including: adult; adult family home, owner; adult family home, manager; adult, senior; alteration, structure; banner; corner lot; dwelling, two family; patio home; political sign; residential use; satellite receiving antennas; senior adult; senior adult care home; sign, government; sign, off premises; sign, on premises; single detached cluster dwelling (R-3 District); special event; and special event (religious or institutional use).

Staff listed the definitions to be revised, including: adult family home; adult group home; agriculture; apartment; applicant; building line; flag; hospice care program; lot; lot area; lot line; lot width; residential district; setback line; sign; structural alteration; and zoning permit.

Staff listed the definitions to be added, including: certificate of zoning compliance; commercial center; common open space; duplex; and parcel.

Staff reviewed the following comments:

- Lake County Subdivision Regulation Definition of Lot: For purposes of these regulations, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required.
- Some land in Concord Township is described by a deed and a legal description and is not shown on a plat that is in County Records. Staff reviewed the difference between describing land with a plat versus a legal description.
- The term parcel is being added to the definitions section, but "property" is being used in the definition of lot line instead of "parcel".

Recommend approval with the following modifications:

- Recommend that Concord Township either use the definition of lot from the Lake County Subdivision Regulations or remove the line "that is part of a plat" and the definition would read "A parcel of land that is legally recorded in the Recorder's Office of Lake County" or "A parcel of land that is legally recorded in the Official Records of Lake County".
- Use "parcel" instead of "property" in the lot line definition, for consistency throughout the Zoning Resolution.
- The numbering is off starting at the definition for "Home", which should be numbered as 93. Renumber this definition, as well as the definitions thereafter.
- Changes to grammar and punctuation, as indicated by track changes on the document.

Mr. Morse made the motion to recommend the text amendment with staff's modifications.
Ms. Malec seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

Amendment #3

Staff explained that Section 16 is being amended with the following revisions:

- Revising the purpose statement.
- Deleting the definitions.
- Adding accessory uses of swimming pools, fences, decks, accessory structures, gazebos or pavilions and other accessory structures not requiring a zoning permit in Sections 16.07 E and 16.23 B 5-9.
- Revising wording for height for accessory structures in 16.10 D and lot width in Section 16.10 G.
- Adding a reference to swimming pool Section XXXI in Section 16.23 B 1.
- Accessory structures are limited to 200 square feet in Section 16.23 B5 and 16.23 B7 considers decks attached to the main structures to be part of the main structure and they have to adhere to the setbacks.
- Revising Minimum Building Setbacks and Yard Clearances in 16.25 D. It provides information on how the setback is measured and references that swimming pools have a different set of standards and where to find those standards.
- Deleting parking requirements for Patio Single Family Detach.

Staff reviewed the following comments:

- There should be a reference to the fact that this district is a PUD established under ORC 519.021 (B).
- The following definitions are being removed completely from the resolution: Apartment building, building topography, building site, condominium development, developable land, gross acreage, home owners association, and tree.
- The new regulations are limiting the height of accessory structures to 18 feet.
- In Section 16.23 B7, the regulation states that decks located in the side or rear shall be in compliance with front, rear or side setbacks. The regulation should reference front in first part of the sentence.
- They are setting the front building setback line to 30 feet and requiring 30 feet on both right-of-way sides for corner and double frontage lots.

Recommend approval with the following modifications:

- Revise 16.23 B 7 to read: Decks: Freestanding decks located in the **front**, side or rear yard shall be permitted in compliance...
- Changes to grammar and punctuation, as indicated by track changes on the document.

Mr. Welch asked if “freestanding deck” is defined in the Zoning Resolution. Ms. Jordan responded by reading the definition for deck, which includes language for freestanding decks.

Mr. Terriaco made the motion to recommend the text amendment with staff’s modifications.
Ms. Kenyon seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".
Motion passed.

Amendment #4

Staff explained that the Index and Sections 6, 11, 14, 22, 31, 34, and 38 are being amended with the following revisions:

- Changing the name of Section III in the Index to "Violations, Enforcement and Fees" and the name of Section XII, "Certificate of Zoning Compliance". This reflects the proper names of the Sections.
- Changing the name Section XV in the Index to "Residential Districts". This is in response to changes from Zoning Text Amendment 1.
- Changing the name of Section XVI in the Index to "Planned Unit Development and Residential Conservation District".
- Showing Sections XVII, XVIII, XIX, XX and XXI in the Index are repealed.
- Changing the name of the Index to "Table of Contents".
- Moving the statement that all roads, streets and railroads, if not otherwise specifically designated shall be considered in the same zone as the property immediately abutting upon such street road or railroad right-of-way from Section 6.01 to Section 14.03.
- Adding a statement that Public Utilities and Railroads are exempt from zoning, numbered as 6.01A.
- Moving and revising Agricultural Uses from Section 6.13 and renaming it "Agricultural Use Exemption", renumbered as 6.01B.
- Naming Section 6.02 "Prohibited Uses". Deleting all references to district names in the Prohibited Uses section and stating that the uses are prohibited in all districts instead of naming the districts.
- Deleting Section 6.03, which states that there are no height restrictions on church spires, belfries, clock towers, wireless towers, scenery lofts or other mechanical appurtenances.
- Sections 6.04 and 6.05 were combined into new Section 6.03 and this section was named "Compliance Required".
- Sections 6.08, 6.09, and 6.10 were combined into Section 6.04 and named "Second Principal Building on Lot". Old Section 6.08, now Section 6.03 A, was amended by adding "A second principal building...rear of an existing principal..." A reference to Section 6.07 was removed in old Section 6.09, now 6.04 B. "Principal" was added in front of building to old Section 6.10, now Section 6.04 D.
- Old Section 6.11, the references to setbacks on corner lots and double frontage lots are being deleted. They were moved to Sections XV and XVI.
- Changing the reference number of Agricultural Use Exemption that is listed in Section 11.03, from "Section 6.01" to "Section 6.13".
- Changing the name of R-3 to "Residential" from "Residential Multi-Family Building" in Section 14.01.
- Deleting the reference to R-5, Senior Residential Community.
- Deleting 14.02, which states all buildings and structures are to be in conformance with these regulations.
- Old Section 14.03 was renumbered as Section 14.02 and new Section 14.03 states that all roads, streets and railroads, if not otherwise specifically designated, shall be considered in the

same zone as the property immediately abutting upon such street road or railroad right-of-way.

- Revising Section 22.04 D to read that in cases where the property extends into the right-of-way, the front setback measurement will be taken from the right-of-way line. This section is also being amended to include a requirement that both frontages of double frontage lots are required to adhere to the frontage setback requirement
- Removing the word "extension" from Section 22.10 G 3.
- Revising Section 22.10 K to read that all signs are to be in conformance with Section XXX.
- Section 31.01, Permit Required, is being moved to Section 31.02.
- Section 31.01 is being named "Applicability".
- Sections 31.02 is being renumbered as 31.01 A, revised to reference existing definitions, and language stating the pools are for tenants, occupants and guests and not-for-profit is being removed.
- Section 31.01 B, regarding club swimming pools, is being added to cover multi-family buildings in R-2 and R-3 Districts.
- Section 31.03 is being named "Location" and it is designating setback requirements for pools.
- Section 31.04 is being named "Construction and Maintenance", and is requiring that the property owner maintain the pool (This is old Section 31.03)
- Old Section 31.02 A is being moved to 31.04 A and Section 31.02 B is being moved to Section 31.04 B.
- Old Sections 31.03 and 31.04 are being deleted.
- Section 34.01 is being renamed "Applicability" and revised by stating fences "may" instead "shall" be permitted in the R-1, R-2, R-3, R-4, R-6 and R-8 Districts in accordance with these regulations. The exemption for lots of two acres or more and agriculture exemptions is being removed. Language is being added to require non-residential uses in the residential districts and fences in non-residential districts to adhere to Section XXXVIII.
- 34.02 is being named "Zoning Permit Required" and revised to state that a permit is required.
- Section 34.03, requiring the smooth side of the fence to face out is being moved to 34.06 B.
- Section 34.04, stating that fences in side and rear yards are not to exceed eight feet in height, is being moved and renumbered to 34.04 B.
- Section 34.05, stating that no fences in front setback shall exceed four feet in height, is being moved to 34.04 A 1.
- Section 34.05 was skipped in the new numbering.
- Section 34.07, prohibiting fence materials, is being moved to 34.06 D (Which should be numbered 34.05 D).
- Section 34.06, designating pool fencing requirements, is being deleted.
- Section 34.08 is being moved to Section 34.03 and being named "Decorative Fencing".
- A requirement that the fence shall be measured from the finish grade and the post shall not exceed four inches from the top of the fence is being added as 34.06 A (Which should be numbered 34.05 A).
- Fences will be required to be completely on the owner's property when the fence is near a property line per Section 34.06 C (Which should be numbered 34.05 C).
- Permitted open face fence types are being listed in 34.06 E (Which should be numbered 34.05 E) and permitted solid fence types are being listed in 34.06 F (Which should be numbered 34.05 F).
- A requirement that fence must be kept in a safe, secure, neat and orderly condition at all times is being added as Section 34.06 G (Which should be numbered 34.05 G).

Staff reviewed the following comments:

- The Township is moving the statement that this Section confers no powers on the Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture and agricultural buildings and structures on lots greater than five (5) acres regardless of the district in which such lot is located.
- The name "Club Swimming Pool" does not accurately describe how the definition defines the use. An association pool, development pool, or limited access pool would be a better name for the definition of club pool. The public may associate the name, club swimming pool, with the #49 definition of clubs.

Recommend approval with the following modifications:

- Change "Club Swimming Pool" to "Association Swimming Pool", "Development Swimming Pool", "Limited Access Swimming Pool" or "Semi-Public Swimming Pool" to avoid misinterpretation of "club" in the definition.
- The Section "Construction, Maintenance and Repair" is labeled as "34.05" in the Section 34 table of contents, but is labeled as "34.06" in the body of the text. It should be changed to "34.05" in the body of the text.
- Changes to grammar and punctuation, as indicated by track changes on the document.

Mr. Morse made the motion to recommend the text amendment with staff's modifications.

Mr. Klco seconded the motion.

Ms. Jordan asked if there were any questions or comments.

All voted "Aye".

Motion passed.

There was no other business. There was no public comment. The meeting adjourned at 7:00 p.m.